

**BIRCH, STEWART, KOLASCH & BIRCH, LLP**

INTELLECTUAL PROPERTY LAW  
650 TOWN CENTER DRIVE  
SUITE 620

Costa Mesa, California 92626-7127  
U S A

(714) 708-8555

FAX: (714) 708-8565

e-mail: [mailroom@bskb.com](mailto:mailroom@bskb.com)  
web: <http://www.bskb.com>

LOS ANGELES OFFICE  
Eighteenth Floor  
10940 Wilshire Boulevard  
Los Angeles, CA 90024-3990  
USA  
(310) 209-4400  
FAX: (310) 209-4450

METROPOLITAN WASHINGTON, D.C.  
OFFICE  
8110 Gatehouse Road  
Suite 100 East  
Falls Church, VA 22042-1248  
USA  
(703) 205-8000  
FAX: (703) 205-8050  
(703) 698-8590 (GIV)

22154 U.S. PTO

10/664801

09/17/03

Date: September 17, 2003

Docket No.: 4614-0120P

**MS PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a ☐ continuation ☒ divisional  
☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of  
pending prior Application No. 09/396,937 filed on September 15,  
1999, the entire contents of which are hereby incorporated by  
reference,  
by

Torben HALKIER and Jesper HAANING

for

METHOD FOR DOWN-REGULATING OSTEOPROTEGERIN LIGAND ACTIVITY

1. ☒ Enclosed is an application consisting of specification,  
claims, declaration and drawings/photographs (if  
applicable).
2. ☒ The filing fee has been calculated as follows:

|  |                 |                 | LARGE ENTITY    | SMALL ENTITY  |
|--|-----------------|-----------------|-----------------|---------------|
| BASIC FEE  |                 |                 | \$750.00        | \$375.00      |
|  | NUMBER<br>FILED | NUMBER<br>EXTRA | RATE      FEE   | RATE      FEE |
| TOTAL<br>CLAIMS  | 60-20 =         | 40              | x 18 = \$720.00 | x 9 = \$0.00  |
| INDEPENDENT<br>CLAIMS  | 8-3 =           | 5               | x 84 = 420.00   | x 42 = \$0.00 |
| <input checked="" type="checkbox"/> MULTIPLE DEPENDENT<br>CLAIMS PRESENTED |                 |                 | + \$280.00      | + \$140.00    |
| TOTAL  |                 |                 | \$1,420.00      | \$0.00        |

3. ☐ A check in the amount of \$0.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. ☐ Enclosed is/are \_\_\_\_\_ (\_\_\_\_) sheet(s) of formal drawings and/or photographs.
- 6a. ☐ A statement claiming small entity status was filed in prior Application No. 09/396,937 on \_\_\_\_\_. See the attached copy of the statement claiming small entity status.
- 6b. ☐ The current application qualifies for small entity status.
7. ☒ The prior application is assigned to M&E Biotech A/S, Horsholm, Denmark.
8. ☐ A Preliminary Amendment is enclosed.
- 9a. ☒ Priority of Application No(s). PA 1998 01164 filed in Denmark on September 15, 1998 is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on December 14, 1999.

- 9b. ☐ Priority of International Appln. \_\_\_\_\_ filed on \_\_\_\_\_  
under the Patent Cooperation Treaty and \_\_\_\_\_  
Application No. \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ under 35  
U.S.C. § 120 and/or § 119 are hereby reclaimed.
10. ☒ An Information Disclosure Statement and PTO-1449  
form(s) are attached hereto for the Examiner's  
consideration.
11. ☒ Address all future communications to:  
  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000  
  
or  
Customer No. 02292
12. ☐ An extension of time for \_\_\_\_\_ ( ) month(s) until \_\_\_\_\_  
has been submitted in parent Application No. 09/396,937  
in order to establish co-pendency with the present  
application.
13. ☒ Also enclosed herewith is the following:  
  
Combined Declaration and Power of Attorney  
  
Cover Letter/Priority Document  
  
Express Mail Certificate (EL 980122985 US)

If necessary, the Commissioner is hereby authorized in this,  
concurrent, and future replies, to charge payment or credit any  
overpayment to Deposit Account No. 02-2448 for any additional  
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17;  
particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By *Leonard R. Svensson* #46,183  
Leonard R. Svensson, #30,330

LRS/KR/sml  
4614-0120P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

**MS PATENT APPLICATION**

PATENT  
4614-0120P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: HALKIER et al. Conf.:  
Appl. No.: NEW Group: 1647  
Filed: September 17, 2003 Examiner: DEBERRY, R.  
For: METHOD FOR DOWN-REGULATING  
OSTEOPROTEGERIN LIGAND ACTIVITY

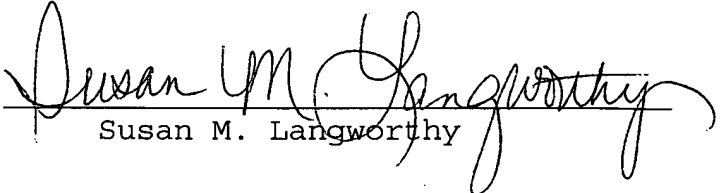
**EXPRESS MAIL CERTIFICATE**

**DATE DEPOSITED:** September 17, 2003

I hereby certify that the enclosed Divisional Application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to MS PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**Express Mail Label No.:** EL 980122985 US

Date: September 17, 2003

  
Susan M. Langworthy

Mailing Address:

BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000